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**OFFICE OF PETITIONS**

In re Application of :  
Craig M. Janik :  
Application No. 09/613,322 : ON PETITION  
Filed: July 11, 2000 :  
Attorney Docket No. 81230.521US :

This is a decision on the petition filed on August 7, 2007, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed November 27, 2006. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed a response on December 11, 2006, and again on February 8, 2007. However, in an Advisory Action mailed April 3, 2007, the Office informed Applicant that the response would not be entered because it failed to place the application in condition for allowance. Applicant filed a Notice of Appeal on April 23, 2007. However, the Notice of Appeal lacked the appropriate extension of time fee. Accordingly, the application became abandoned on February 28, 2007. The mailing of this decision precedes the mailing of a Notice of Abandonment.

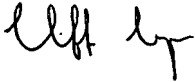
On petition, petitioner paid the petition fee and made the proper statement of unintentional delay. The required reply in the form of a Notice of Appeal and Pre-Appeal Brief Request for Review were previously filed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$450.00 extension of time fee submitted with the petition on August 7, 2007 was subsequent to the maximum period obtainable for reply (May 28, 2007), this fee has been refunded to petitioner's Deposit Account No. 50-2428.

**Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.**

The matter is being returned to Group Art Unit 2116 to await for applicant's submission of the appeal brief.

Telephone inquiries specific to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions